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**From:** Lisa Rector [lrector@nescaum.org]  
**Sent:** 3/6/2020 4:00:49 PM  
**To:** Toney, Mike [Toney.Mike@epa.gov]; Johnson, Steffan [johnson.steffan@epa.gov]  
**Subject:** RE: TRIVIA FRIDAY

I know I am being a PIA here but is it okay to manufacture but illegal to advertise the lower air setting?

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**From:** Toney, Mike <Toney.Mike@epa.gov>  
**Sent:** Friday, March 6, 2020 10:51 AM  
**To:** Lisa Rector <lrector@nescaum.org>; Johnson, Steffan <johnson.steffan@epa.gov>  
**Subject:** RE: TRIVIA FRIDAY

Hi Lisa,

- A) I am fine with
- B) I am fine with
- C) If the heater can be burned lower it should have been. Now the manufacturer cannot advertise a low burn rate lower than what was achieved during testing. The manufacturer is now at a disadvantage because competition will say my heater burns lower than brand X.. The key here to make this work so it can be sold is do not advertise lower than what was tested.

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**From:** Lisa Rector [mailto:lrector@nescaum.org]  
**Sent:** Friday, March 06, 2020 10:28 AM  
**To:** Toney, Mike <Toney.Mike@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>  
**Subject:** RE: TRIVIA FRIDAY

Thanks Mike, you are so close but actually here is my scenario question:

- a) the unit can achieve a burn rate lower than 0.80 kg/hr,
- b) Cat 1 test was conducted and had a burn rate less than 0.80 kg/hr for cat 1
- c) Cat 1 test did not use the lowest air setting, could have been set at a lower air setting

Under this scenario, theoretically, is there a problem if the unit is manufactured as tested?

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**From:** Toney, Mike <Toney.Mike@epa.gov>  
**Sent:** Friday, March 6, 2020 10:18 AM  
**To:** Lisa Rector <lrector@nescaum.org>; Johnson, Steffan <johnson.steffan@epa.gov>  
**Subject:** RE: TRIVIA FRIDAY

Hi Lisa,

It is a regulatory requirement both in AAA section 60.534 page 13709 and in QQQQ section 60.5476 page 12722, that the lowest burn rate is no greater than the operator can achieve at home and no greater than advertised by the manufacturer. That said in appendix A-8 page 13728 states in procedures to use the burn rates in EPA Method 28 for 28R testing using ASTM 2780. So yes, the below .80 kg/hr burn rate must be met, and met to the extent that it is the lowest that the heater can burn. If a heater tests a low burn at .70 kg/hr it meets the below .80 and if this is the lowest it can burn it meets the lowest criteria also. The manufacturer cannot advertise any burn rate lower than this.

I know what you are getting at! The other scenario is if a device cannot burn below .80 kg/hr. What should be done. Fall back to Method 28 section 8.1.1.3.2 conduct two tests to prove this is the case and then perform one test where the average burn rate is 1.0 kg/hr or less (.81 to 1.0 kg/hr) will suffice for the low burn.

Happy Friday

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**From:** Lisa Rector [<mailto:lrector@nescaum.org>]

**Sent:** Friday, March 06, 2020 8:22 AM

**To:** Toney, Mike <[Toney.Mike@epa.gov](mailto:Toney.Mike@epa.gov)>; Johnson, Steffan <[johnson.steffan@epa.gov](mailto:johnson.steffan@epa.gov)>

**Subject:** TRIVIA FRIDAY

HAPPY FRIDAY!!!! Question of the day:

1. For stoves testing with US EPA M28R for Step 2 certification under 2015 NSPS in Category1, do they:
  - a. need to test at the lowest air setting
  - b. have a burn rate of less than 1.0 kg/hr

We are trying to understand which applies with M28R stoves in Cat 1: a, b or a&b